

**2013 DRAFTING REQUEST****Assembly Amendment (AA-AB803)**

Received: 3/6/2014

Received By: gmalaise

Wanted: As time permits

Same as LRB:

For: Robb Kahl (608) 266-8570

By/Representing: Mike Tierney

May Contact:

Drafter: gmalaise

Subject: Employ Priv - health and safety

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Kahl@legis.wisconsin.gov

Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Substance abuse prevention program; exception for cooperatives

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 3/6/2014	scalvin 3/6/2014		_____			
/1			jfrantze 3/6/2014	_____	sbasford 3/6/2014	sbasford 3/6/2014	

FE Sent For:

&lt;END&gt;

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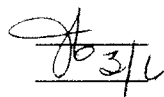
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FE Sent For:

<END>

## Malaise, Gordon

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**From:** Tierney, Michael  
**Sent:** Thursday, March 06, 2014 11:01 AM  
**To:** Malaise, Gordon  
**Subject:** Amendment request for AB 803  
**Attachments:** Revisions to amendment SB 629\_AB 803 rev.pdf

**Importance:** High

Hi Gordon –

Can you draft an amendment to AB 803 based upon the attached document? Larry Konopacki in Leg Council is familiar with this request and may be able to assist in answering questions, etc.

Thank you.

Mike

Michael Tierney  
Legislative Aide  
Office of Representative Robb Kahl  
Room 7 West, State Capitol  
PO Box 8952  
Madison WI 53708  
[Michael.tierney@legis.wi.gov](mailto:Michael.tierney@legis.wi.gov)  
608-266-8570

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**From:** Beata Kalies [<mailto:Beata.Kalies@cooperativenetwork.coop>]  
**Sent:** Tuesday, March 04, 2014 11:15 AM  
**To:** Tierney, Michael  
**Subject:** AB 803 Substance abuse by employees performing maintenance or construction work on public utility projects  
**Importance:** High

Mike-  
Here is the language for the amendment we would like to have added to AB 803. Thank you so much for considering the changes.  
Please let me know if there are any questions.  
Beata

### Beata Kalies

Representing Wisconsin's Electric Cooperatives  
Director of Government Relations | Cooperative Network  
1 South Pinckney Street, Suite 810 | Madison, WI 53703  
608.258.4406 | cell: 608.279.9275 | [cooperativenetwork.coop](http://cooperativenetwork.coop)

At the locations indicated, amend the bill as follows:

1. Page 4, line 19: after "or" insert "for purposes of this section,".
2. Page 4, line 20: after "185" delete "to furnish" and insert "for the purpose of furnishing".
3. Page 6, line 12: after "NONAPPLICABILITY." insert "(1)".
4. Page 6, line 15: before "Section 15." 103.503 (4m)(2) is created to read:

Sub. (3) does not apply to a cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, power or water to its members only.

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As inserted into the original bill language, the foregoing would amend SB 629/AB 803 as follows (additions underlined, deletions struck out):

1. Page 4, lines 16-20:

**SECTION 7.** 103.503 (1) (h) of the statutes is created to read:

103.503 (1) (h) "Public utility" has the meaning given in s. 196.01 (5) and includes a telecommunications carrier, as defined in s. 196.01 (8m), an alternative telecommunications utility, as defined in s. 196.01 (1d), or for purposes of this section, a cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, power or water to its members only.

2. Page 6, lines 11-14:

**SECTION 14.** 103.503 (4m) of the statutes is created to read:

103.503 (4m) PUBLIC UTILITY PROJECT EMPLOYEES;  
NONAPPLICABILITY.

(1) This section does not apply to an employee performing work on a public utility project who is subject to drug or alcohol testing under 49 CFR Parts 40, 199, or 382.

(2) Sub. (3) does not apply to a cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, power or water to its members only.



State of Wisconsin  
2013 - 2014 LEGISLATURE

IN 316  
S = on



LRBa203477  
GMM...../.....  
Sue

ASSEMBLY AMENDMENT,  
TO ASSEMBLY BILL 803

1 At the locations indicated, amend the bill as follows:

2 1. Page 4, line 19: after "or" insert ", for purposes of subs. (2) and (4),".

3 2. Page 4, line 20: delete that line and substitute "organized under ch. 185  
4 for the purpose of producing or furnishing heat, light, power, or water to its members  
5 only."

6 3. Page 4, line 23: after "right-of-way." insert "For purposes of sub. (3), "public  
7 utility project" does not include a project erected, constructed, repaired, remodeled,  
8 or demolished for a cooperative association organized under ch. 185 for the purpose  
9 of producing or furnishing heat, light, power, or water to its members only."

10 4. Page 6, line 10: after that line insert:

11 "SECTION 13m. 103.503 (4) (b) 2. of the statutes is amended to read:

12 103.503 (4) (b) 2. That the employee has been approved to commence or return  
13 to work on the project, If the employer is required to have in place a substance abuse

1 prevention program under sub. (3), that approval shall be granted in accordance with  
2 the employer's substance abuse prevention program under sub. (3)."

History: 2005 a. 181; 2009 a. 28; 2011 a. 32.

3 **5.** Page 6, line 12: delete that line and substitute:

4 "103.503 (**4m**) PUBLIC UTILITY PROJECTS; NONAPPLICABILITY. (a) This".

5 **6.** Page 6, line 14: after that line insert:

6 "(b) Subsection (3) does not apply to an employer that performs work on a public  
7 utility project for a cooperative association organized under ch. 185 for the purpose  
8 of producing or furnishing heat, light, power, or water to its members only."

9 (END)